

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 4:22-mj- 25

Plaintiff,

v.

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR CRIMINAL
COMPLAINT

LUKE JOHN SCHAUER,

Defendant.

STATE OF SOUTH DAKOTA)
 :ss
COUNTY OF MINNEHAHA)

I, David Keith, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the United States Department of Justice, Federal Bureau of Investigation (FBI), and have been so employed since March 2003. I am currently assigned to the Minneapolis Division, Sioux Falls Resident Agency and the Crimes Against Children Task Force, where my investigative responsibilities include investigation of child sexual abuse and exploitation crimes such as production, possession, receipt, and distribution of child pornography. I have gained knowledge and experience through training at the FBI Academy, in service training, and everyday work in conducting these types of investigations. I have received training in the area of child pornography and child exploitation investigations and have reviewed numerous examples of child

pornography as defined at 18 U.S.C. § 2256, in various forms of media, including computer media.

2. I am an “investigative or law enforcement officer” of the United States within the meaning of 18 U.S.C. § 2510(7) and I am empowered by 18 U.S.C §§ 3052 and 3107 to conduct investigations of, and to make arrests for, violations of federal criminal statutes.

PURPOSE OF AFFIDAVIT

3. I make this affidavit in support of an application for a Criminal Complaint charging LUKE JOHN SCHAUER (/1993) (hereinafter SCHAUER) with attempted production of child pornography, in violation of 18 U.S.C. §§ 2251(a) and 2251(e), and transfer of obscene materials to minors, in violation of 18 U.S.C. § 1470. My investigation to date shows that between at least January 18, 2022, and February 4, 2022, SCHAUER attempted to persuade, coerce, and entice an Online Covert Employee (hereinafter OCE) of the FBI, posing as a twelve-year-old female, to produce and send sexually explicit images that constitute child pornography as defined at 18 U.S.C. §§ 2251(a) and 2251(e). SCHAUER also sent images of his penis to the OCE via electronic communications. Specifically:

- a) Between on or about January 18, 2022, through on or about February 4, 2022, in the District of South Dakota, SCHAUER sent three photos of his penis to the OCE while texting, in graphic detail, how he would have sex with the OCE. At 3:20:28 p.m. on 1/18/2022, SCHAUER communicated with the OCE using Kik Messenger handle “900 JL John.” SCHAUER told the OCE “Like I can’t wait to see you naked and show you my hard cock.” The OCE responded “Lol like what u want me to do like how do it.” At 3:32:30 p.m. “900 JL John” responded

“Take a naked selfie” with a wink emoji attached. At 3:26:15 p.m., the OCE asks “900 JL John” “Can I see your gun?” “900 JL John” responded with “If I can see you naked.”

- b) At 9:06:08 a.m. on January 27, 2022, “900 JL John” sent a photo of his erect penis to the OCE. The OCE responded by asking “Omg what is that?!?” At 9:09:38 a.m., “900 JL John” responded to the question by stating, “My cock” with a wink emoji attached. At 10:02:49 a.m., “900 JL John” told the OCE, “Dirty talk me and send a naughty pic from the bathroom” with a devil emoji attached. The OCE responded by asking, “What’s a naughty pic for you?! Like wdym.” “900 JL John” responded at 10:03:49 a.m. and stated, “Something sexy like flash me or show your ass, maybe pussy if you wanna.”
- c) At 11:19:15 a.m., “900 JL John” sent the OCE another photograph of his erect penis and stated, “Now I held up my end, it’s your turn to go the bathroom.”
- d) The photographs “900 JL John” sent to the OCE of his erect penis appear to be taken while in a bedroom bed with distinct patterned sheets, comforter, and a blanket. Wood trim can be seen in the background of the photograph.
- e) SCHAUER attempted to employ, use, persuade, induce, entice, and coerce the OCE (self-identified as 12 years of age) to engage in sexually-explicit conduct for the purpose of producing a visual depiction of such conduct, knowing or having reason to know that such visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, and that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by cellular telephone.
- f) On February 8, 2022, a search warrant was executed at SCHAUER’S Sioux Falls residence. Law enforcement officers at the residence observed bedding, woodwork, and wall art which matched the photograph backgrounds of what SCHAUER had sent via Kik Messenger while communicating with the FBI OCE posing as the twelve-year-old female.
- g) At an interview conducted by FBI Special Agents Dave Keith and Rob Mertz on February 8, 2022, SCHAUER admitted the Kik Messenger account with the username “900 JL John” was his. He also admitted

using that account to engage in the communications that are described in this affidavit, which included knowledge of communications with a person he believed to be a 12-year-old female, sending nude photographs of himself to the 12-year-old female, and requesting nude photographs from the 12-year-old female. SCHAUER also admitted the communications began in mid-January and continued through February 8, 2022.

4. The facts set forth in this affidavit come from my personal observations, my training and experience, evidence gathered pursuant to search warrants and subpoenas, and information obtained from other law enforcement officers and witnesses. Because this affidavit is submitted for the limited purpose of securing a Criminal Complaint, it does not include every fact known to me or to other investigators.

CONCLUSION

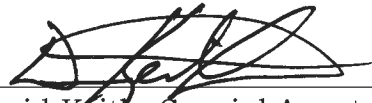
5. I therefore submit there is probable cause as charged in the proposed Criminal Complaint that LUKE JOHN SCHAUER, in the District of South Dakota, attempted to employ, use, persuade, induce, entice, and coerce minors to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted to him over the internet, all in violation of 18 U.S.C. §§ 2251(a) and 2251(e).

6. I also submit there is probable cause as charged in the proposed Criminal Complaint that LUKE JOHN SCHAUER, in the District of South Dakota, transferred obscenity(s) to a minor in the form of photographs of his erect penis,

sent electronically to an FBI OCE posing as a twelve-year-old female, all in violation of 18 U.S.C. § 1470.

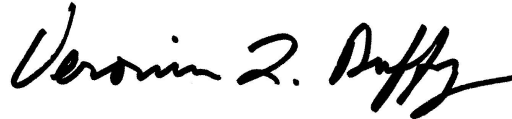
7. Accordingly, I request that a warrant be issued for the arrest of LUKE JOHN SCHAUER, that he may be brought before this Court.

Dated this 9th day of February, 2022.



David Keith, Special Agent
Federal Bureau of Investigation

Sworn to and subscribed to me, telephonically, on the 9th day of February, 2022, at Sioux Falls, South Dakota.



VERONICA L. DUFFY
United States Magistrate Judge